



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1322

eviction proceedings; virtual appearances

Purpose

Requires a court to allow any party to participate remotely by using a telephone or video conference connection in a *special detainer* or *forcible detainer* proceeding, with exceptions.

Background

A *special detainer* action allows a landlord to request a termination of a rental agreement if: 1) rent is unpaid when due and the tenant fails to pay rent within five days after written notice by the landlord of nonpayment; or 2) a tenant materially affects health and safety by failing to comply with a requirement specified in statute more than one time during the period of the tenant's lease ([A.R.S. § 33-1368](#)).

Statute defines a *forcible detainer* as a remedy for cases in which: 1) a tenant at will or by sufferance or a tenant from month to month or a lesser period whose tenancy has been terminated retains possession after the tenancy has been terminated or after the person receives written demand of possession by the landlord; 2) the tenant of a person who has made a forcible entry refuses for five days after written demand to give possession to the person upon whose possession the forcible entry was made; 3) a person who has made a forcible entry upon the possession of one who acquired such possession by forcible entry refuses for five days after written demand to give possession to the person upon whose possession the first forcible entry was made; or 4) a person who has made a forcible entry upon the possession of a tenant for a term refuses to deliver possession to the landlord for five days after written demand, after the term expires ([A.R.S. § 12-1173](#)). Additionally, a *forcible detainer* action can be used to remove a person who retains possession of any land, tenements or other real property after the person receives written demand of possession if the property has been: 1) sold through the foreclosure of a mortgage, deed of trust or contract for conveyance of real property; 2) sold through a trustee's sale under a deed of trust; 3) forfeited through a contract for conveyance of real property; 4) sold by virtue of an execution and the title has been duly transferred; or 5) sold by the owner and the title has been duly transferred ([A.R.S. § 12-1173.01](#)).

Justices of the peace have jurisdiction concurrent with the superior court in cases of forcible entry and detainer when the amount involved, exclusive of interest, costs and awarded attorney fees when authorized by law, is \$10,000 or less. The justice of the peace of each justice precinct has original jurisdiction over special detainers and forcible detainers if: 1) the amount of rent requested is \$10,000 or less; and 2) the action occurs in a county with a population of more than 2,000,000 persons ([A.R.S. § 22-201](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a court to allow any party, including an attorney or witness, to participate remotely by using a telephone or video conference connection in a *special detainer* or *forcible detainer* proceeding if the party provides written notice.
2. Allows the court to require all parties, attorneys and witnesses to participate in person if the court continues a contested matter beyond the initial appearance.
3. Becomes effective on the general effective date.

Amendments Passed by Committee of the Whole

1. Requires a party to provide written notice to the court to participate remotely in a special detainer or forcible detainer proceeding before the court.
2. Allows the court to require all parties, attorneys and witnesses to participate in person if the court continues a contested matter beyond the initial appearance.

Senate Action

JUD 2/11/21 DP 6-1-1

Prepared by Senate Research

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